

Hearing Date and Time: July 10, 2007, at 10:00 a.m. Eastern Time
Objection Deadline: June 27, 2007, at 4:00 p.m. Eastern Time

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*Attorneys for Claimant Parus Holdings, Inc.
Successor-By-Merger to EffectNet, Inc. and
EffectNet, LLC*

UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

In re:)	CHAPTER 11
)	Jointly Administered
WORLDCOM, INC., et al.,)	
)	
Debtors.)	Case No. 02-13533 (AJG)
)	

**NOTICE OF AMENDED MOTION OF PARUS HOLDINGS, INC. FOR RELIEF
RESULTING FROM THE DEBTORS' SPOILIATION OF EVIDENCE**

PLEASE TAKE NOTICE that a hearing will be held upon the annexed motion, dated June 13, 2007 (the "Motion"), of Parus Holdings, Inc., successor by merger to EffectNet, Inc. and EffectNet, LLC ("Parus" and/or "EffectNet"), a creditor and party-in-interest in the above captioned case regarding proofs of claim, bearing claim numbers 11173 and 11242, filed contemporaneously with this Notice of Motion, for the entry of an order (the "Order"), before the Honorable Arthur J. Gonzalez, United States Bankruptcy Judge, in Room 523 of the United States Bankruptcy Court, Alexander Hamilton Custom House, One Bowling Green, New York, New York 10004, on **July 10, 2007 at 10:00 a.m.** (Eastern Time), or as soon thereafter as counsel may be heard.

PLEASE TAKE FURTHER NOTICE that responses or objections to the Motion, if any, must be in writing, shall conform to the Federal Rules of Bankruptcy Procedure and the Local Rules of the United States Bankruptcy Court for the Southern District of New York (the "Bankruptcy Court"), and shall be filed with the Bankruptcy Court electronically in accordance with the First Amended Case Management Order (i) Establishing, Among Other Things, Notice Procedures (Including by Electronic Means), Omnibus Hearing Dates, and Alternative Methods of Participation at Hearings and (ii) Authorizing Worldcom, Inc. et al., to Establish an Independent Website (docket entry no. 2454) and General Order M-242 (General Order M-242 and the User's Manual for the Electronic Case Filing System can be found at www.nysb.uscourts.gov), by registered users of the Bankruptcy Court's Electronic Case Filing System and, by all other parties in interest, on a 3.5 inch disk, preferably in Portable Document Format (PDF), WordPerfect, or any other Windows-based word processing format (with a hard-copy delivered directly to Chambers), and shall be served in accordance with General Order M-242 upon i) Stinson Morrison Hecker, LLP, Attorneys for the Reorganized Debtors, 1201 Walnut Street, Suite 2900, Kansas City, MO 64106, Attn: Allison M. Murdock; and ii) Foley & Lardner LLP, Attorneys for Parus Holdings, Inc., successor by merger to EffectNet, Inc. and EffectNet, LLC, 321 North Clark Street, Suite 2800, Chicago, IL 60610, Attn: Jill L. Murch, and shall be filed with the Clerk of the United States Bankruptcy Court for the Southern District of New York, in each case so as to be received no later than **June 27, 2007 at 4:00 p.m.** (Eastern Time).

Dated: June 13, 2007

Respectfully submitted,

By: /s/ Jill L. Murch

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*Attorneys for Claimant Parus Holdings,
Inc., Successor-By-Merger to EffectNet,
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**AMENDED MOTION OF PARUS HOLDINGS, INC. FOR RELIEF
 RESULTING FROM THE DEBTORS' SPOILIATION OF EVIDENCE**

Per the Court's request during the May 22, 2007 telephonic hearing with the parties, Claimant Parus Holdings, Inc., as successor by merger to EffectNet, Inc. and EffectNet LLC ("Parus" and/or "EffectNet"), pursuant to the Court's inherent equitable powers to adjudicate the matters before it; 11 U.S.C. § 105(a); Federal Rule of Civil Procedure 37, as incorporated by Rule 7037 of the Federal Rules of Bankruptcy Procedure; and Local Rule 7007-1 for the United States Bankruptcy Court for the Southern District of New York, by and through its attorneys Foley & Lardner LLP, hereby submits its Amended Motion for Relief Resulting from the Debtors' Spoliation of Evidence (the "Amended Motion"). Parus incorporates its January 26,

2007 Motion for Relief Resulting from the Debtors' Spoliation of Evidence (the "Spoliation Motion") and its Memorandum of Law in support thereof (the "Spoliation Memorandum") as if fully set forth herein. Parus respectfully requests that the Court grant certain remedies against Intermedia Communications, Inc. and MCI WorldCom Communications, Inc. (together, the "Debtors") in connection with the Debtors' failure to preserve and maintain evidence related to Parus' claims as more fully discussed in the Memorandum of Law filed concurrently herewith.¹

WHEREFORE, Parus respectfully requests that the Court enter an order:

- (a) Granting an adverse inference against the Debtors in favor of Parus;
- (b) Barring the Debtors from presenting and/or contesting evidence related to damages asserted by Parus;
- (c) Awarding damages against the Debtors; and/or
- (d) Granting such other and further relief as this Court deems just and proper, including, but not limited to, judgment in favor of Parus.

Dated: June 13, 2007

Respectfully submitted,

By: /s/ Jill L. Murch
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¹ Parus' Claims are designated as Claim Nos. 11242 and 11173.

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WORLDCOM, INC., et al.,)	
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Debtors.)	Case No. 02-13533 (AJG)
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**ORDER GRANTING CLAIMANT PARUS
 HOLDINGS, INC.'S AMENDED MOTION FOR RELIEF RESULTING
FROM THE DEBTORS' SPOILIATION OF EVIDENCE**

This matter coming before the Court on Claimant Parus Holdings, Inc.'s ("Parus") Amended Motion for Relief Resulting from the Debtors' Spoliation of Evidence (the "Amended Motion"); the Court having reviewed the Amended Motion and having considered the statements of counsel and the evidence adduced with respect to the Amended Motion at a hearing before the Court (the "Hearing"), and the Court having found that (a) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, (b) this is a core proceeding pursuant to 28 U.S.C. § 157(b), and (c) notice of the Amended Motion and the Hearing were sufficient under the

circumstances, and the Court having determined that the legal and factual bases set forth in the Motion and at the Hearing establish just cause for the relief granted herein;

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED as set forth herein.
2. A hearing to determine the appropriate remedies to be issued against Intermedia Communications, Inc. and MCI WorldCom Communications, Inc. (collectively, the "Debtors") and in favor of Parus Holdings, Inc. as a result of the Debtors' spoliation of evidence is hereby set for _____, 2007 at _____ a.m. EST.
3. This Order makes no finding or ruling regarding Parus' prior Spoliation Motion and Spoliation Memorandum (as such terms are defined by and incorporated into the Amended Motion) with respect to Parus' allegations regarding expectation damages against the Debtors.
4. This Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation of this Order.
5. This Order is a Final Order within the meaning of 28 U.S.C. § 158(a)(1) and is effective immediately upon entry.

Dated: New York, New York
July __, 2007

HONORABLE ARTHUR J. GONZALEZ
UNITED STATES BANKRUPTCY JUDGE